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FINAL DRAFT AGREEMENT CONCERNING THE RELATIONSHIP BETWEEN THE UNITED NATIONS AND THE INTERNATIONAL SEABED AUTHORITY

Working paper by the Secretariat

The United Nations and the International Seabed Authority,

Bearing in mind that the General Assembly of the United Nations in its resolution 3067 (XXVIII) of 16 November 1973 decided to convene the Third United Nations Conference on the Law of the Sea for the adoption of a convention dealing with all matters relating to the law of the sea and that the Conference adopted the United Nations Convention on the Law of the Sea, which inter alia establishes the International Seabed Authority,

Desiring to make provision for a system of mutually beneficial relationship to facilitate the discharge of the respective responsibilities of both organizations,

Taking into account for this purpose the provisions of the Charter of the United Nations and the provisions of the United Nations Convention on the Law of the Sea,

Have agreed as follows:

Article 1

Purpose of the Agreement

This Agreement, which is entered into by the United Nations and the International Seabed Authority (hereinafter referred to as "the Authority"), pursuant to the provisions of the Charter of the United Nations (hereinafter referred to as "the Charter") and the United Nations Convention on the Law of the Sea (hereinafter referred to as "the Convention") respectively, is intended to define the terms on which the United Nations and the Authority shall be brought into relationship.

Article 2

General

1. The United Nations recognizes the Authority as the organization, provided for in the Convention, through which States Parties to the Convention shall organize and control activities in the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as "the Area"), particularly with a view to administering the resources of the Area.

2. The United Nations recognizes that the Authority, by virtue of the Convention, shall function as an autonomous international organization in the working relationship with the United Nations established by this Agreement.

3. The Authority undertakes to conduct its activities, in accordance with the purposes and principles of the Charter, to promote peace and international cooperation and in conformity with the policies of the United Nations furthering these purposes and principles.

Article 3

Cooperation and coordination

1. The United Nations and the Authority agree that, with a view to facilitating the effective exercise of their responsibilities, they will cooperate closely with each other and consult each other on matters of mutual interest, including cooperation in the field of public information.

2. The United Nations and the Authority recognize the necessity of achieving effective coordination of the activities of the Authority and of the United Nations and of avoiding unnecessary duplication of their activities and services.

Article 4

Assistance to the Security Council

1. The Authority shall cooperate with the Security Council by providing to it at its request such information and assistance as may be required in the exercise of its responsibilities for the maintenance or restoration of international peace and security. In case confidential information is provided, the Security Council shall preserve its confidential character.

2. At the invitation of the Security Council, the Secretary-General of the Authority may attend its meetings to supply it with information or give it other assistance with regard to matters within the competence of the Authority.

Article 5

International Court of Justice

The Authority agrees, subject to the provisions of article 9, paragraph 2, relating to the safeguarding of confidential material, data and information, to provide any information which may be requested by the International Court of Justice in pursuance of Article 34 of the Statute of the Court.

Article 6

Trust, Non-Self-Governing and other Territories

The Authority agrees to cooperate within the field of its competence with the United Nations in giving effect to the principles and obligations set forth in Chapters XI, XII and XIII of the Charter and other internationally recognized principles and obligations regarding colonial countries and peoples, with regard to matters affecting the well-being and development of the peoples of the Trust, Non-Self-Governing and other Territories.

Article 7

Reciprocal representation

1. Representatives of the United Nations shall be entitled to attend, and to participate, without the right to vote, in the meetings of the organs of the Authority and their subsidiary organs, in accordance with their rules of procedure, if matters of interest to the United Nations are under consideration. Written statements submitted by the United Nations shall be distributed by the secretariat of the Authority to its members, in accordance with the rules of procedure of the organs of the Authority and of their subsidiary organs.

2. Representatives of the Authority shall be entitled to attend, and to participate, without the right to vote and in accordance with the relevant rules of procedure, in the meetings of the Economic and Social Council, of the Trusteeship Council, of the Main Committees of the General Assembly, of the Governing Council of the United Nations Development Programme, of the Governing Council of the United Nations Environment Programme, of the conferences and meetings held under the auspices of the United Nations, and, as appropriate, of their subsidiary organs, with respect to items of the agenda relating to matters within the responsibilities of the Authority as well as other matters of mutual interest. Written statements presented by the Authority shall be distributed by the Secretariat of the United Nations to the members of the above-mentioned bodies, in accordance with the relevant rules of procedure.

3. Representatives of the Authority shall be entitled to attend, for the purposes of consultations, meetings of the General Assembly of the United Nations when matters as defined in paragraph 2 are under consideration.

Article 8

Proposal of agenda items

1. After such preliminary consultations as may be necessary, the United Nations may propose items for consideration by the the Authority. In such cases, the United Nations shall notify the Secretary-General of the Authority of the item or items concerned, and the Secretary-General of the Authority shall propose any such item or items for inclusion in the provisional agenda of the Assembly or the Council of the Authority.

2. After such preliminary consultations as may be necessary, the Authority may propose items for consideration by the United Nations. In such cases, the Authority shall notify the Secretary-General of the United Nations of the item or items concerned, and the Secretary-General of the United Nations shall propose such item or items to the General Assembly or, as appropriate and in accordance with the relevant rules of procedure, of other organs or bodies of the United Nations.

Article 9

Exchange of information, data and documents

1. The United Nations and the Authority shall, subject to paragraph 2 of this article, arrange for the exchange of information, publications and reports of mutual interest and the furnishing of special reports and studies and information upon request. The submission of such reports, studies and information shall be subject to conditions set forth in article 14.

2. The United Nations and the Authority are subject to necessary limitations for the safeguarding of confidential material, data and information furnished to them by their members or others. Subject to article 4, paragraph 1, nothing in this Agreement shall be construed to require either the United Nations or the Authority to furnish any material, data and information the furnishing of which could, in its judgement, constitute a violation of the confidence of any of its members or anyone from whom it shall have received such information, or which would otherwise interfere with the orderly conduct of its operation.

Article 10

Statistical services

1. The United Nations and the Authority agree to strive for the maximum cooperation, the avoidance of unnecessary duplication between them and the most efficient use of their technical personnel in their respective collection, analysis, publication and dissemination of statistical information. They agree to combine their efforts to secure the greatest possible usefulness and utilization of statistical information and to minimize the burden placed upon Governments and other organizations from which such information may be collected.

2. The Authority recognizes the United Nations as the central agency for the collection, analysis, publication, standardization, improvement and dissemination of statistics serving the general purposes of international organizations.

3. The United Nations recognizes the Authority as an appropriate organization for the collection, analysis, publication, standardization, improvement and dissemination of statistics within its sphere, without prejudice to the right of the United Nations to concern itself with such statistics in so far as it may be essential for its own purposes or for the improvement of statistics throughout the world.

4. The United Nations shall, in consultation with the Authority, develop administrative instruments and procedures through which effective statistical cooperation may be secured between the United Nations and the Authority.

5. It is agreed that data supplied to the Authority for incorporation in its basic statistical series or special reports should, so far as is practicable, be made available to the United Nations upon request.

6. It is agreed that data supplied to the United Nations for incorporation in its basic statistical series or special reports should, so far as is practicable, be made available to the Authority upon request.

Article 11

Technical assistance

The United Nations and the Authority undertake to work together in the provision of technical assistance in the fields of marine scientific research in the Area, transfer of technology and the prevention, reduction and control of pollution of the marine environment from activities in the Area. In particular, they agree to take such measures as may be required to achieve effective coordination within the framework of existing coordinating machinery in the field of technical assistance, taking into account the respective roles and responsibilities of the United Nations and the Authority under their constitutive instruments, as well as those of other organizations participating in technical assistance activities.

Article 12

Personnel arrangements

1. The United Nations and the Authority agree to develop, in the interests of uniform standards of international employment and to the extent feasible, common personnel standards, methods and arrangements designed to avoid unjustified differences in terms and conditions of employment. For this purpose the Authority agrees to accept the statute of the International Civil Service Commission.

2. The United Nations and the Authority agree to cooperate to the fullest extent possible in achieving these ends and in particular they agree:

(a) To consult together from time to time concerning matters of mutual interest relating to the terms and conditions of employment of the officers and staff, with a view to securing as much uniformity in these matters as may be feasible;

(b) To cooperate in the interchange of personnel when desirable, on a temporary or a permanent basis, making due provision for the retention of seniority and pension rights;

(c) To cooperate in the establishment and operation of suitable machinery for the settlement of disputes arising in connection with the employment of personnel and related matters.

3. Upon the approval of the General Assembly, the Authority shall participate in the United Nations Joint Staff Pension Fund in accordance with the Regulations of the Fund and shall accept the jurisdiction of the United Nations Administrative Tribunal in matters involving applications alleging non-observance of those Regulations.

4. The United Nations and the Authority agree to cooperate fully in ensuring that, as appropriate, all members of the staff of the United Nations assigned to the Authority should be offered appointments by the Authority that preserve their acquired rights and contractual status; and that all members of the staff of the Authority assigned to the United Nations should be offered appointments by the United Nations that preserve their acquired rights and contractual status.

5. The terms and conditions under which any facilities or services of the Authority or the United Nations in connection with the matters referred to in this article are to be extended to the other shall, where necessary, be the subject of supplementary agreements concluded for this purpose.

Article 13

Budgetary and financial matters

The Authority recognizes the desirability of establishing close budgetary and financial cooperation with the United Nations aimed at benefiting from the experience of the United Nations in this field.

Article 14

Financing of special services

The costs and expenses to be incurred for the provision of services pursuant to this Agreement shall be agreed upon in an equitable manner between the Authority and the United Nations.

Article 15

United Nations laissez-passer

Officials of the Authority shall be entitled, in accordance with such special arrangements as may be concluded between the Secretary-General of the United Nations and the Secretary-General of the Authority, to use the laissez-passer of the United Nations as a valid travel document with respect to States parties to the Protocol on the Privileges and Immunities of the Authority. The above is without prejudice to the right of the Authority to issue its own travel documents.

Article 16

Implementation of the Agreement

The Secretary-General of the United Nations and the Secretary-General of the Authority may enter into such supplementary arrangements for the implementation of this Agreement as may be found desirable in the light of the operating experience of the United Nations and of the Authority.

Article 17

Amendments

This Agreement may be amended by agreement between the United Nations and the Authority. Any such amendment agreed upon shall enter into force on its approval by the competent organs of the United Nations and of the Authority.

Article 18

Entry into force

This Agreement shall enter into force on its approval by the competent organs of the United Nations and of the Authority.